

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Choi et al.	Art Unit :	1616
Serial No. :	10/053,535	Examiner :	Frank I. Choi
Filed :	January 15, 2002	Conf. No. :	7091
Title :	CARBON MONOXIDE AS A BIOMARKER AND THERAPEUTIC AGENT		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INTERVIEW SUMMARY

Applicants' representatives (the undersigned and Janis K. Fraser) thank Examiner Frank I. Choi for the courtesy of the in-person interview conducted on July 26, 2007. The claims of the present application were discussed as were enablement issues raised by Examiner Choi in the Office Action dated December 1, 2007 (hereinafter the "Office Action"), and by Examiner Eyler in the Interview Summary dated March 2, 2007 (hereinafter the "Interview Summary"). In particular, Mayr et al. (Am. J. Resp. and Critical Care Medicine, Vol. 171, p. 354-360 (2005)), Ryter et al. (Current Op. in Pharma. Vol. 6, p. 257-262 (2006)), Dolinay et al. (in *Breath Analysis for Clinical Diagnosis and Therapeutic Monitoring*, Amann and Smith, eds., World Scientific Publishing Company, p. 203-236 (2004)) and Choi et al. (Am J. Resp. and Critical Care Medicine, Vol. 171, p. 318-1319 (2005)) were discussed. Applicants' representatives explained why the claims are fully enabled and asserted that the above-referenced publications provide no evidence suggesting otherwise. They also informed the Examiner that they conducted an in-person interview that day with Examiner Fubara in U.S. Application Serial No. 10/676,280, and that she indicated she would probably maintain her enablement rejection unless applicants amend the claims to recite actual dosage amounts to allay her concerns about potential carbon monoxide (CO) toxicity.

Examiner Choi stated that the arguments and evidence provided in applicants' Reply to Office Action filed June 1, 2007, have overcome all enablement issues raised in the Office Action and the Interview Summary, at least with respect to methods wherein CO is administered by inhalation. The Examiner indicated that he would need to consider further applicants' claims reciting administering CO by modes other than inhalation and may possibly raise enablement issues with respect to such claims in his next Action.

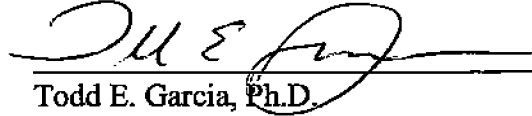
Applicant : Choi et al.
Serial No. : 10/053,535
Filed : January 15, 2002
Page : 2 of 2

Attorney's Docket No.: 13681-003002 / Yale Ref. No.
OCR 986 US03; BIDMC Ref.:

Applicants request that all claims be allowed. No fees are believed to be due at this time.
Please apply any charges or credits to Deposit Account No. 06-1050 referencing Attorney
Docket No. 13681-003002.

Respectfully submitted,

Date: 8/6/07


Todd E. Garcia, Ph.D.
Reg. No. 54,112

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906